

Message

From: Flint Silva, Tara [FlintSilva.Tara@epa.gov]
Sent: 11/1/2022 4:17:08 PM
To: Gavin, Quinn [Gavin.Quinn@epa.gov]; Gayoso, Jose [Gayoso.Jose@epa.gov]; Manupella, Matthew [Manupella.Matthew@epa.gov]; Arrington, Linda [Arrington.Linda@epa.gov]; Aranda, Amber [aranda.amber@epa.gov]; Bartow, Susan [Bartow.Susan@epa.gov]
Subject: RE: Follow-up on Discussion of Treated Articles in AD

Hi all,

Glad to help out/participate on this work as you guys work through things with treated seeds and implications for other treated articles.

I took a look at the documents you provided and just had a couple thoughts..may or may not be useful and I'm sure most of them have been discussed by you guys in previous meetings!

In terms of the labeling mitigation suggested in the Word doc:

*There are a couple different spots where it says for disposal of excess treated seeds to contact the registrant for proper disposal plan. Is this realistic? Would farmers/industrial farms actually reach out to the treated seed companies to figure this out? This has been part of the dialogue in AD about how much onus to put on end users versus the company creating the treated article/pesticide—what is feasible for end users to comply with versus reality of disposal, use, etc. Just something to think about and I'm sure its already been discussed before I came into all of this!

*A note that our materials preservatives, paints, etc. that would be utilized to create treated articles are definitely a bit different than the treated seed scenario. It looks like from the proposed label table—there are numerous statutes/acts which may impact very specifically treated seed sale, distribution, labeling. It seems like that would allow you guys in RD a bit more jurisdiction in terms of what you would be able to put on the treated seed labels and enforce/regulate. For treated articles made from AD products—we don't have that type of specificity in the regs to even require that the treated article have language such as "this product has been treated with XXX, do not use for food, feed or oil purposes". For certain actives or chemicals with toxicological concern the situation may be different—but there isn't anything laid out that specifically for us to enforce treated article labeling. This seems like a benefit for you guys in developing treated seed mitigation.

Some thoughts from the petition response:

*Antifoulant paints are mentioned a couple times in the petition response. If folks ever need additional clarification on those products, how they are registered, etc...happy to provide info as my team handled all of those products for quite awhile in AD. They have recently been shifted over to the other team on my branch but I've worked with quite a few.

*Petition response states that "pesticide treated seed products are generally going to be classified as "pesticides" as that term is defined in FIFRA and EPA regulations

'. I think this is quite an important caveat when comparing/contrasting the treated seeds versus treated articles that may arise from AD products. We would NOT consider most of our treated articles as being classified as pesticides in and of themselves, so that is a pretty clear distinction. Going back to the paint example—an antifoulant paint may very well contain materials preservatives in it to preserve the paint itself. If that is the case and the actual paint makes no claims that it would in turn protect surfaces—we wouldn't consider the paint a pesticide but a treated article. If the paint contains materials preservatives to preserve the paint itself, but ALSO can make claims to protect surfaces it is painted on from mold, mildew, barnacles, etc...we would in turn require that paint be registered with us and treated as its own pesticide in right. If RD/PRD/OPP feel that some of these treated seeds are in fact pesticides themselves (given that the treatment/coating on them provides pesticidal mechanisms in the soil/fields they are planted)—would they not also

require registration? Again, I'm sure that has been thoroughly discussed over the decades. Just trying to draw some comparisons to AD products since we've been looped in.

Look forward to seeing where this all goes.

Thanks,

Tara Flint Silva

(she/her)

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From: Gavin, Quinn <Gavin.Quinn@epa.gov>

Sent: Tuesday, November 1, 2022 7:06 AM

To: Gayoso, Jose <Gayoso.Jose@epa.gov>; Manupella, Matthew <Manupella.Matthew@epa.gov>; Flint Silva, Tara <FlintSilva.Tara@epa.gov>; Arrington, Linda <Arrington.Linda@epa.gov>; Aranda, Amber <aranda.amber@epa.gov>; Bartow, Susan <Bartow.Susan@epa.gov>

Subject: Follow-up on Discussion of Treated Articles in AD

Good Morning,

Thank you for meeting yesterday. I think it was very helpful to hear about the treated articles in AD and begin discussing how we might move forward. I have attached the petition response and our current proposed standardized mitigation language (still being edited). In the petition response we discussed developing an ANPRM, which we are working on now, that would raise the possibility of a 3a Rule under FIFRA which would allow for the enforcement on treated articles without their registration. I will set up another meeting in the near future where we can begin talking about how the treated articles in AD may be affected by this. I am hoping to develop some similar language to our template for other articles. I know that there was some concern from AD regarding labeling and its appropriateness for some articles so if any of you have further thoughts on that please let me know. I look forward talking you all again soon.

Thank you,
Quinn

Quinn Gavin

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